

LAKE COUNTY



Planning Commission Meeting Minutes

Tuesday, July 27, 2010

DATE: 9 August, 2010

APPROVED BY: *ju3*

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION JULY 27, 2010

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Pesec called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Morse, Schaedlich, Siegel, Smith (alt. for Sines), Welch, (alt. for Aufuldish), Zondag and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Truesdell.

MINUTES

Ms. Hausch moved and Mr. Schaedlich seconded the motion to approve the June 29, 2010 minutes.

Eight voted "Aye".
Two abstained.
Motion passed.

FINANCIAL REPORT

Mr. Siegel moved and Mr. Morse seconded the motion to approve the June, 2010 Financial Report.

All voted "Aye".

Budget Comparison

Mr. Boyd referred to the revenue comparison from July 1, 2009 to July 1, 2010 indicating that the Department was \$50,000.00 ahead of this time last year because of the grant money from the Balanced Growth Initiative and contract work.

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

There were no legal issues to report.

DIRECTOR'S REPORT

Mr. Boyd said Mr. Radachy is continuing to assist Fairport Harbor with various planning and zoning issues on a contractual basis.

Mr. Boyd is continuing to seek funding and grants for the Department. He has a proposal before the City of Mentor with a \$9,000.00 consulting fee, that, he understands, was favorably received. He is continuing to meet with the County Budget Director on the Community Development Block Grant administration program and will be attending a training conference in September.

Staff is developing a series of one-page reports for future edits to the Subdivision Regulations.

ANNOUNCEMENT

There were no announcements.

SUBDIVISION REVIEW

Subdivision Activity Report

The Mountainside Farms, Phase 3B, maintenance bond surety was released this month. Mountainside Farms, Phase 4, is starting the process to get improvements finalized and approved.

Cambden Creek Maintenance Period, Sanitary Sewer and Water Lines

Lake Properties, Ltd. took over Cambden Creek Subdivision in March 2009, two months before the maintenance period for the sanitary sewer and water lines would have expired. The previous developer installed sanitary sewer and waterlines, but never posted the maintenance bonds due to his financial situation. After requesting final inspection in 2007, the County Sanitary Engineer recommended the project be placed into maintenance. Since the previous developer never posted the bonds, the utilities were never formally accepted. Had he posted the bonds, the maintenance period would have ended in May 2009.

Lake Properties, Ltd. has finished all the repairs on the punch list and the County Engineer has finished their final inspections. Lake Properties, Ltd. is in the process of presenting a surety and letter of credit for maintenance of the roads and drainage, and should submit that to the County next week.

Lake Properties Ltd. is requesting the maintenance period for the sanitary sewer and water lines to be waived and the water and sanitary sewer lines be accepted. Mr. Radachy said that before the road can go into maintenance, the utilities have to be in maintenance. After discussing this with Al Saari, the Utilities Department indicated their maintenance period has been fulfilled because it has been more than a year since they passed their final inspections. There have not been any problems with the sewer lines, so a maintenance bond is not necessary. The Subdivision Regulations require that the Planning Commission take action to waive the maintenance period and a maintenance bond does not need to be posted.

Mr. Siegel moved and Mr. Morse seconded the motion to waive the maintenance period for Cambden Creek Phase 2 in Concord Township.

Nine voted "Aye."
One opposed.
Motion passed.

LAND USE AND ZONING REVIEW

Painesville Township – Text Change to Section V, Addition of Definition for Electronic Message Board to Section 4

Mr. Radachy said that Painesville Township was adding the following definition for electronic message board on their zoning text: "Any sign that uses changing lights to form a sign message or messages wherein the sequences of messages and the rate of changing is electronically programmed and can be modified by electronic process." Staff went on to read a revised definition that was provided. The new definition would read: "Any sign that uses changing lights to form **letters, symbols or pictures to create** a sign message or messages wherein the sequences of messages and the rate of changing is electronically programmed and can be modified by electronic process." Staff felt the change clarified the use better.

Mr. Siegel moved and Mr. Welch seconded the motion to recommend approval of the text in the addition of definition for Electronic Message Board to Section 4.

All voted "Aye."

Painesville Township – Text Change to Section 28.01 (C) General Requirement for All Signs

Mr. Radachy stated that this amendment would allow the use of an intermittent or moving light for electronic message boards if they follow the rules set up in proposed Section 28.08. Currently, the use of light is completely prohibited by the sign regulations. Staff stated that they reviewed the text and they also consulted with the Painesville Township Zoning Inspector, who stated that there was no provision requiring a property owner to obtain a building or electrical permit.

Staff recommended that a text amendment be made: Requiring that an owner obtain a building permit and electrical permit and that this be added to the general requirements in Section 28.01.

Mr. Siegel moved and Mr. Morse seconded the motion to recommend approval of the text change adding building and electrical permit requirements to the general requirements in Section 28.01.

All voted "Aye."

Painesville Township – Sections 28.08, 28.09 and 28.10: Requirements for Electronic Message Boards

Mr. Radachy said that Painesville Township was creating rules for an electronic message board. The new rules would be listed in 28.08. The current 28.08 was to be moved to 28.09; the current 28.09 would become 28.10 and 28.10 would become 28.11.

Staff stated that currently, only two of the eight churches were zoned CS and would be allowed to have electronic message boards, the other 6 were zoned B-2, R-1 or R-2 and they would not be allowed to have the signs. Also, all of the Riverside schools were zoned R-1; they also would not be allowed to have the signs. Staff also stated that there are no setbacks for side yard or rear yard when the adjacent lots are zoned a non-residential classification.

Staff recommended the text changes with the following suggestions:

- Have a height restriction. Free standing signs are allowed to be up to 20 feet high. Staff encourages pedestal mounted signs.
- Have sideline and rearline setbacks when adjacent to non-residentially zoned land.
- Have a setback that will pull all signs away from limited access highways. This could be added to the general requirements in Section 28.01.
- Require setbacks of 10 to 30 feet from the required 50-foot buffer to be placed on a non-residentially zoned lot when it abuts a residentially zoned lot instead of requiring a 100-foot distance requirement. This will give a 60 to 80 foot setback from residentially zoned lots and this will cover both side and rear line backs.
- Require that the transition time between messages only be a maximum of three seconds.
- Prohibit video from being used on the signs.
- Review all sections for compliance to RLUIPA (Religious Land Use Institutionalized Persons Act).
- Ensure existing signs are removed prior to the construction of an electronic message board to reduce visual clutter.
- Develop proper landscaping requirements for electronic message boards.

Mr. Zondag said that the term “proper landscaping requirements” is too arbitrary and subjective.

Staff noted that since all the Riverside Schools are zoned R-1, none of the schools would be allowed to have electronic message boards. Mr. Radachy recommended that they apply for a conditional use permit.

Mr. Schaedlich moved to recommend approval of Sections 28.08, 28.09 and 28.10: Requirements for Electronic Message Boards with the addition of investigating a conditional use permit process for uses in the R-1 and R-2 district.

Responding to landscaping concerns of Mr. Zondag, Ms. Pesec asked that a subcommittee be formed to examine reasonable and sustainable landscape design techniques. Mr. Radachy suggested that we develop model zoning ordinances for landscaping standards for the townships.

The motion was seconded by Mr. Adams.

Nine voted "Aye."

One opposed.

Motion passed.

Land Use and Zoning Member Appointments

Mr. Radachy said that appointments were up for Madison Township and Perry Township Members of the Land Use and Zoning Committee. Mr. Klco and Mr. Welch stated they wish to continue. We are waiting on a response from Ms. Diak and Ms. Malec.

Ms. Pesec said that, in the future, she would like the Planning Commission to vote on appointments to the Land Use and Zoning Committee. She asked that this process be reviewed.

REPORTS OF SPECIAL COMMITTEES

Landscape Design Subcommittee

Ms. Pesec proposed that a special committee be formed to examine model regulations for landscaping. Mr. Brotzman, Ms. Pesec, Mr. Schaedlich, and Mr. Zondag volunteered to be on the committee. Mr. Zondag requested that a builder sit on the committee also.

CORRESPONDENCE

Compliments for the 2010 Northeast Ohio Planning and Zoning Workshop

Mr. Boyd reported that Bill Miller, Director of the Trumbull County Planning Commission, sent a thank you and note of appreciation for the effort of coordinating the *2010 Northeast Ohio Planning and Zoning Workshop*. He thanked Ann Myers, and especially, David Radachy for a masterful job of coordinating the program from registration to conclusion.

OLD BUSINESS

There was no old business to report.

NEW BUSINESS

There was no new business to report.

Kimball Estates Update

Mr. Brotzman was asked about Kimball Estates and voiced concern about the ongoing drainage problem and unresponsiveness. The tile has been moved, seeded and the equipment moved off site. George Hadden, of the Engineer's office, confirmed that Mr. Hamilton was to do nothing without advising the County. Since it was covered over without someone from the Engineer's office being present, the County does not know what he has done. The ditch needs to be opened up to confirm that he has changed the grades and corrected the high elevation problem. With seeding and final grading in place, it appears that the Developer thinks he is done with the problem. Mr. Brotzman said this has been going on for four years. He expressed consternation with the Engineer's office for their hesitation to crack down and have it fixed properly.

Mr. Boyd said that all parties met in late 2009 with Mr. Brotzman, Mr. Advey, Mr. Radachy, Mr. Scharver, and himself present. He said he has sent letters to the bank. However, until Mr. Gills starts the bond process, nothing will happen.

It was concluded that Mr. Boyd will contact Mr. Gills about the situation and, hopefully, for a plan to bring the site into conformance with the approved plans and specifications.

Members and staff discussed procedures to bring this to conclusion.

PUBLIC COMMENT

There was no comment from the public.

ADJOURNMENT

Mr. Siegel moved and Ms. Hausch seconded the motion to adjourn the meeting at 7:50 p.m.

All voted "Aye."